

ATTORNEY DOCKET NUMBER: 2006517-0009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Caplan *et al.* Examiner: Huynh
Serial No.: 10/728,051 Art Unit: 1644
Filing Date: December 4, 2003 Conf. No.: 9832
Title: MICROBIAL DELIVERY SYSTEM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO INTERVIEW SUMMARY

Applicant thanks the Examiner for a telephone interview that took place on September 23, 2010, and for the mailing of an Interview Summary on September 30, 2010. During the Interview, Applicant asked if the Board were going to remove the above-referenced application from the Appeals process and remand it back to the Examiner for the continuance of regular prosecution. The Examiner indicated that the above-referenced application would not be removed from the Appeals process and remanded back to the Examiner. The Examiner further indicated that, in order to pursue subject matter of the above-referenced application via regular prosecution (in other words, *not* as part of the Appeals process), that the above-referenced application should be expressly abandoned in favor of the continuation application U.S.S.N. 12/843,739, filed on July 26, 2010.

Respectfully submitted,

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